

**TOWN COUNCIL
REGULAR MEETING
FEBRUARY 7, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. by Mayor Bush and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Bush, Vice-Mayor Venis and Councilmembers Cox, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Bush advised the speakers of the Open Public Meeting procedures.

Al Tyler, 8090 SW 19 Court, thanked Councilmembers Cox and Kiar for their remarks on an article in the Community News.

Mr. Tyler discussed a shortage of money in the Fire Pension funds and stated that the Town was using this money.

Mr. Tyler stated that when he had a complaint with his water, he called his service provider and no one had better quality water than Sunrise. He indicated it was not right to use the water issue.

Christopher Wallace, Director of Budget and Finance, explained that Council had received a letter from the Fire Pension Board's attorney indicating that there was a shortfall in the required funding for the pension plan. He stated that in April 1995, the Pension Board received a new valuation report which was accepted and forwarded to the State of Florida; however, the Board did not forward the report to the Town which was charged with making up the funding for pension contributions. Mr. Wallace indicated that the Town received the report in December and explained the interest calculation that had to be made. He stated that Mr. Tyler made it sound as if the Town had used the money for other purposes which was not true. After some discussion, it was determined that the Pension Board attorney, Robert Klausner, would be invited to a Council meeting.

Edna Moore, 6653 Stirling Road, suggested a 30 acre parcel between 30th Avenue and 58th Avenue as an active park. Councilmember Kiar asked that this be looked into and indicated that there was a tremendous shortage of parks on the east side.

Jay Enten, 4800 Hawkes Bluff Avenue, took objection to Councilmember Cox's previous statements regarding the residents who lived in rural Davie living in a dream world if they thought it was going to remain rural forever. He stated that the residents were not opposed to the Estate zoning because of blasting but because of the zoning itself and added that a reconsideration needed to be taken on Imagination Farms.

Mr. Enten stated that 954 signatures on a petition was the beginning of a recall which may be founded, frivolous or an exercise in how the system worked.

Michael Davenport, 14041 SW 22 Place, discussed the traffic situation on 14th Street between 136th Avenue and Weston Road. Vice-Mayor Venis indicated that he had requested that Broward County provide a traffic signal at the Publix shopping center in western Davie.

An unidentified man (Dean Alexander) stated that he had requested a fourth green arrow at the intersection of Indian Trace and Weston Road and commended Dick Portuga from Broward County.

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Arthur Joseph, 13700 SW 18 Court, thanked Vice-Mayor Venis and Councilmember Kiar for their votes on numerous issues in the past few months. He thanked Vice-Mayor Venis for his investigation of the traffic situation between the I-75 crossover and Weston Road.

4. PRESENTATIONS

Service Award

4.1 Robert Rawls, Assistant Town Administrator - Ten Years
Mayor Bush presented Mr. Rawls with a service award.

4.2 South Florida Trailriders of Broward County Ride-A-Thon

An unidentified man thanked Council and the Town for its support of the Open Space Program. He indicated that the Trailriders were supportive of the Boys and Girls Club and indicated that a ride-a-thon had been held as a "kick off" event for Westfair which benefited the Boys and Girls Club. The man stated that \$4,305.74 had been raised and presented a check to a Boys and Girls Club representative.

4.3 Florida Westfair

Tim Sheehan, Director of Development for the Boys and Girls Club of Broward County, updated Council on the upcoming events which would begin February 23rd. He thanked Council and staff for its support.

4.4 Davie/Cooper City Chamber of Commerce

Chuck Bonfiglio, President, advised that the Chamber was working on the following events: Westfair, Chamber Breakfast (February 21, 1996), Installation Dinner (February 10, 1996), Operation Thank-You (February 26-28, 1996), and Business Card Exchange (February 28, 1996). He presented a framed directory cover to Council.

Mr. Flatley requested that the outside sales occupational license fee be waived during the ten day Westfair activities.

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Sharon Pierce-Kent, Director of Community Services advised that upcoming events included: Classic Car and Craft Show (February 17-18, 1996) and Jackpot Rodeo (every Wednesday). She added that the Scottish National Team and the Hungarian National Team were utilizing the pool for Olympic practice.

Mark Dornacker, Community Services Supervisor, advised that the Town's sports programs included youth soccer, girls softball, youth baseball, teen program, adult softball, YMCA/Town basketball program, cheerleading, and parents' meetings. Councilmember Kiar hoped that the programs for the following year could be expanded to include children up to 18 years old.

4.5 First Quarterly Status Report - Goals, Capital, Finance
This item was discussed further in the meeting.

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5. OCCUPATIONAL LICENSES

Home Occupational

5.1 KC Electronic Claims Processing, 10940 SW 29 Court (continued from January 24, 1996)

Mary Corbett, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.2 Craig Clark, 14411 SW 26 Street

Craig Clark, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

Vice-Mayor Venis made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Carnival - Waiver of Fees

5.3 St. Bernadette Church, 7450 Sterling Road (February 23 - 25, 1996)

Richard Cohn, representing the applicant, was present.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

4.5 Vice-Mayor Venis stated that everything looked good for the first quarter of the year. He asked that the budget for the upcoming year be delivered to Council earlier in the year to allow for review. Vice-Mayor Venis asked if the Budget Advisory Committee would be meeting on a regular basis. Mr. Wallace indicated that meetings would be held with the Committee and staff.

Vice-Mayor Venis stated that he had requested that a report be provided quarterly of unbudgeted items that were contingency transfers. He added that he would like it noted on the Consent Agenda if items were unbudgeted. Mr. Wallace advised that it would be noted as a contingency item.

Vice-Mayor Venis asked that a workshop be held at the end of six months to determine if the goals that had been set had been obtained.

Councilmember Santini questioned when revenues would be received from Silver Oaks. Mr. Wallace replied that property taxes would not be received until the next fiscal year; however, utility taxes were being received.

Mayor Bush indicated that items 9.1, 9.2 and 9.3 would be taken out of order if there were no objections from Council. No objections were noted.

Mr. Webber explained that language was still being finalized in the settlement agreement and asked that the ordinances - first reading be tabled until the next meeting.

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Councilmember Cox made a motion, seconded by Councilmember Santini, to table items 9.1, 9.2 and 9.3 until February 21, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6. COUNCILMEMBER COMMENTS

COUNCILMEMBER SANTINI

TENT SALE. Councilmember Santini stated that Grif's would be holding a tent sale.

SPORTS PROGRAM. Councilmember Santini stated that she was pleased with the Sports Division and its organized sports.

COUNCILMEMBER COX

RIDE-A-THON. Councilmember Cox thanked the equestrian community for their unlimited support and added that the trail was now officially reopened. She stated that without the Public Works Department, the trail would not have been completed.

ROBERT RAWLS. Councilmember Cox wished Mr. Rawls a happy anniversary for his tenure with the Town.

THANKS. Councilmember Cox thanked Shorty's Barbecue for the lunch that was provided for the Ride-A-Thon.

TRAILS. Councilmember Cox stated that the trails were walkable and would soon be "bikeable".

OPEN SPACE. Councilmember Cox stated that the bridge between the Robbins property and Flamingo Gardens was out to bid and by next fall, the link between the Robbins and Kapok properties should be finished.

COUNCILMEMBER KIAR

BIKE PATHS. Councilmember Kiar indicated that he had received a letter asking that the number of bike paths be expanded in the western areas.

WESTFAIR. Councilmember Kiar stated that this event was an exciting one for the Town and for South Florida.

ST. DAVID BASEBALL TEAM. Councilmember Kiar congratulated his son, Mark, for making the team.

ST. BONAVENTURE CHURCH. Councilmember Kiar stated that he and Vice-Mayor Venis attended the groundbreaking ceremony for the new educational center at the Church.

STUDENT OF THE MONTH. Councilmember Kiar stated that he attended the Student of the Month ceremony on February 6th.

VICE-MAYOR VENIS

ST. BONAVENTURE CHURCH. Vice-Mayor Venis congratulated the Church on its new educational complex.

FOREST RIDGE. Vice-Mayor Venis stated that the sidewalk project was to have begun on January 1st and it was anticipated that the project would be completed in April.

SIGNALS. Vice-Mayor Venis asked Mr. Rawls to transmit the letters regarding the signal to the Indian Trace Board and Broward County's Administrator. He stated that a resident had requested that a left turn arrow be installed at the corner of Volunteer and Griffin Roads.

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BLASTING. Vice-Mayor Venis stated that staff had attended Broward County's blasting workshop on January 31st and the next meeting was scheduled for February 14th. He asked that staff provide Council with a presentation at its next meeting.

POLICE STATION. Vice-Mayor Venis stated that he had been working with Mr. Rawls on the plan for the layout of the new police facility. He indicated that as soon as the final layout was completed, he would schedule a homeowner's meeting with the Nob Hill Palms residents.

SURVEYING. Vice-Mayor Venis stated that he had received several calls from the residents in the west regarding surveying off Shotgun Road by the Arvida Parkway. He indicated that the residents were concerned and asked staff to compile a report. Mr. Flatley advised that he thought this was the waterline from Sunrise to Imagination Farms.

POLICE ATHLETIC LEAGUE. Police Chief Jack Mackie stated that the annual Spaghetti Dinner would be held on March 20th and was being sponsored by Rigatoni's. He advised that tickets were available for \$5 for adults and \$3 for children under 12.

ORANGE PARK. Vice-Mayor Venis asked Mr. Rawls to schedule a meeting with Orange Park.

MAYOR BUSH

STUDENT OF THE MONTH. Mayor Bush stated that this program was impressive and commended the Police Department for its involvement.

EAGLE SCOUT. Mayor Bush stated that he attended an Eagle Scout ceremony for Utilities Director Daniel Colabella's son, Anthony Colabella. Anthony Colabella thanked the Town and those who attended the ceremony and for providing him with service projects.

7. CONSENT AGENDA

Minutes

7.1 December 6, 1995 - Regular Meeting

Run/Walks

7.2 Hawkes Bluff Elementary School - February 14, 1996 (8:30 a.m. to 9:30 a.m.)

7.3 David Posnack Jewish Community Center - March 3, 1996 (7:30 a.m. to 9:30 a.m.)

Resolutions

7.4 PETITIONER REQUESTING TABLING TO MARCH 6, 1996

SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE.

or

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DISAPPROVING A SUBDIVISION PLAT; AND PROVIDING AN

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EFFECTIVE DATE. (P 2-1-95, Orangewood Farms, SW 118 Avenue,
approximately 500 feet south of SW 17 Court) (tabled from January 3, 1996)
Planning and Zoning Division denied; Planning and Zoning Board denied

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- R-96-47 **7.5 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 9-2-95, 75 and 595, Inc., 450 SW 130 Avenue) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- R-96-20 **7.6 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO PREVIOUSLY APPROVED SUBDIVISION PLAT AND PROVIDING AN EFFECTIVE DATE. (P 9-2-94, Westridge II East, 2300 Nob Hill Road) *Planning and Zoning Division approved*
- R-96-21 **7.7 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 91-234 FROM \$17,000 IN AMOUNT TO \$3,091; AND PROVIDING AN EFFECTIVE DATE. (Paul Pederson)
- R-96-22 **7.8 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 93-196 FROM \$12,000 IN AMOUNT TO \$2,000; AND PROVIDING AN EFFECTIVE DATE. (Linda A. Berg)
- R-96-23 **7.9 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 94-271 FROM \$5,200 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Blaine and Laurie Flanagan/ Department of Housing and Urban Development)
- R-96-24 **7.10 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR HURRICANE SHUTTERS FOR IVANHOE AND PINE ISLAND COMMUNITY CENTERS. (Broward Hurricane Panel - \$6,181)
- R-96-25 **7.11 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR PHOTOGRAPHIC FILM, CO-OP BID H-26-96. (Focus Camera, Inc.)
- R-96-26 **7.12 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
THE BID FOR POLICE UNIFORMS. (Metro Distributors)
- 7.13 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING

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**R-96-27 THE BID FOR LIQUID CHLORINE AND CALCIUM HYPOCHLORITE.
(Allied Universal Corp. - \$389/ton)**

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- R-96-28 7.14 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE TOWN OF DAVIE TO ACCEPT THE INFORMAL BID FOR SECURITY PROTECTION AT THE OFF-SITE LOCATION FROM SOUTHERN ALUMINUM TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (Southern Aluminum - \$3,179.98)
- R-96-29 7.15 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE PURCHASE OF COMPUTER FROM GATEWAY 2000, THROUGH STATE CONTRACT #250-040-96-1, AND PRINTER THRU INFORMAL BID, FOR COMPUTERIZED COMMUNICATING WITH STATE ATTORNEY AND OTHER STATE AGENCIES, TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (Computer - \$2,662; Printer - \$421; Hardware/Software installation - \$190; Service Fee - \$49 for 120 free minutes and 34¢/additional minute/month)
- R-96-30 7.16 **UNIVERSAL HIRING GRANT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, ACCEPTING THE AWARD OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE UNDER THE UNIVERSAL HIRING PROGRAM.
- R-96-31 7.17 **POLICE ACADEMY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING SIX NEWLY HIRED POLICE OFFICERS OF THE TOWN OF DAVIE POLICE DEPARTMENT TO ATTEND THE CRIMINAL JUSTICE INSTITUTE 179TH POLICE ACADEMY. (\$5,880)
- R-96-32 7.18 **AMENDMENT TO AGREEMENT - A RESOLUTION OF THE TOWN OF**
DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AGREEMENT FOR APPOINTMENT OF TOWN ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE
- R-96-33 7.19 **CHANGE ORDERS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE MAYOR TO EXECUTE CONTRACT CHANGE ORDERS FOR THE EASTSIDE SIDEWALKS PROJECT. (Change Order No. 1 - net increase in the amount of \$1,261.00 and Change Order No. 2 - \$4,976.10)
- R-96-34 7.20 **RODEO ARENA - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH THE FT. LAUDERDALE DOG CLUB. (March 16-17, 1996; \$1,000 rental fee)
- 7.21 **RODEO ARENA - A RESOLUTION OF THE TOWN OF DAVIE.**

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R-96035 FLORIDA,
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO
ARENA LEASE AGREEMENT AND WAIVING ARENA RENTAL FEES
FOR A DAVIE POLICE ATHLETIC LEAGUE WRESTLING MATCH. (May
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- R-96-36 7.22 **BILL GESSNER SPORTS COMPLEX - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH BROWARD COMMUNITY COLLEGE AND THE BROWARD COUNTY SCHOOL BOARD. (Bill Gessner Sports Complex)**
- R-96-37 7.23 **LETTER OF UNDERSTANDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LETTER OF UNDERSTANDING REGARDING TAKE HOME CARS AND RATIFYING A LETTER OF UNDERSTANDING REGARDING MOUNTED UNIT BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL ORDER OF POLICE.**
- R-96-38 7.24 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD. (Silver Ridge Elementary School - summer recreation program)**
- R-96-39 7.25 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD. (Davie Elementary School - summer recreation program)**
- R-96-40 7.26 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD. (Flamingo Elementary School - summer recreation program)**
- R-96-41 7.27 **POOL RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING POOL RENTAL FEES AND ADMISSION FEES FOR A WATER SAFETY AND LEARN TO SWIM CLINIC. (April 8-12, 1996; pool rental fee waived)**
- R-96-42 7.28 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE, AS LESSOR, AND THE DAVIE POLICE ATHLETIC LEAGUE, AS LESSEE; AND PROVIDING AN EFFECTIVE DATE.**
- R-96-43 7.29 **CLARIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CLARIFYING THE SCOPE OF DRAINAGE CANAL DEVELOPMENT AS REFERRED TO IN SECTION 12-33(B)(3); AND PROVIDING AN**

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7.30 **SPECIAL ASSESSMENT DISTRICT - A RESOLUTION OF THE TOWN OF**
R-96-44 DAVIE, FLORIDA, ESTABLISHING A SPECIAL ASSESSMENT DISTRICT FOR THE INSTALLATION OF A PUBLIC WATER DISTRIBUTION SYSTEM FOR TRACT 16, SECTION 27, TOWNSHIP 50 SOUTH, RANGE 40 EAST OF FLORIDA FRUITLANDS CO. SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THE SOUTH ONE-THIRD OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 50 SOUTH, RANGE 40 EAST LESS THE ADJOINING PUBLIC AND PRIVATE RIGHTS-OF-WAY; ALSO KNOWN AS LOTS 1 THROUGH 136 OF SUNNYLANE FARMS (UNRECORDED), ALL OF SAID PROPERTY BEING WITHIN THE TOWN OF DAVIE; PROVIDING FOR THE MANNER IN WHICH SAID ASSESSMENTS ARE TO BE MADE; PROVIDING FOR WHEN THE ASSESSMENTS ARE TO BE PAID; DESCRIBING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDATION: Approval

Vice-Mayor Venis asked that items 7.12, 7.14, 7.28, and 7.29 be removed from the Consent Agenda. Councilmember Kiar asked that item 7.21 be removed. An unidentified man (Arthur Joseph) asked that item 7.18 be removed. Town Clerk Reinfeld advised that item 7.4 needed to be tabled.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 7.4, 7.12, 7.14, 7.18, 7.21, 7.28, and 7.29. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; Councilmember Santini - yes. (Motion carried 5-0)

7.4 Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to table the item to March 6, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.12 Vice-Mayor Venis questioned the material of the uniforms. Chief Mackie indicated that the uniforms were lightweight and less flammable and the selected vendor was the lowest bidder. Councilmember Kiar stated that the Honor Guard wore special uniforms during parades and questioned if these had been replaced. Chief Mackie believed the uniforms had been replaced last year.

Vice-Mayor Venis made a motion, seconded by Councilmember Santini, to approve item 7.12. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.14 Vice-Mayor Venis advised that he would need to abstain from voting as his brother-in-law was the owner of the company.

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Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 7.14. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - abstained; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

7.18 Mr. Webber advised that at the last Council meeting, Council had altered Mr. Flatley's review date from January to July and the contract made reference to pay-for-performance guidelines. He stated that this reference had been deleted as the Town had never adopted the guidelines

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 7.18. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.21 Councilmember Kiar advised that Vice-Mayor Venis would be defending his title during the wrestling events. Vice-Mayor Venis stated that the proceeds benefited the Town's Police Athletic League.

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.28 Vice-Mayor Venis advised that the American Legion had provided the Police Athletic League with a letter of intent for \$50,000 as long as the lots across from Potter Park be leased to the League. He indicated that money was being raised to build a facility.

Vice-Mayor Venis made a motion, seconded by Councilmember Kiar, to approve item 7.28. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.29 Vice-Mayor Venis advised that this resolution defined the width of a canal and recommended that the width be changed from 50 feet to 25 feet.

Councilmember Cox asked if the drainage canals would accommodate Central Broward Drainage District's basin drainage. Mr. Rawls replied affirmatively and provided an explanation.

Vice-Mayor Venis made a motion, seconded by Councilmember Kiar, to approve item 7.29 with the amendment to 25 feet. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8. SITE PLANS

8.1SP 6-2-95, Prototype Middle School "JJ", southwest corner of State Road 84 and Nob Hill Road (CF) *Planning and Zoning Division approved subject to planning report; Site Plan Committee approved subject to the planning report*

Michele Mellgren, Director of Planning, advised that schools were not required to go through the site plan process and this submittal was a courtesy. Matt Wood, Town Planner, read the planning report.

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Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve subject to the Planning Division and the Site Plan Committee's recommendations. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.2SP 9-3-95, Newport Apartments, 6900 SW 39 Street (RM-16) *Planning and Zoning Division approved subject to planning report; Site Plan Committee approved subject to the planning report, finalizing the design of the recreation trail and staggering the sable palms and increasing their height by at least five feet*

Mr. Wood asked that this item be tabled as all the information had not been provided to staff.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to table the item until February 21, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.3SP 11-4-95, 33rd & University Gas & Oil/Riviera Commercial Park North, northeast corner of University Drive and NW 33 Street (B-2) *Planning and Zoning Division approved subject to planning report; Site Plan Committee approved subject to the planning report and adding the pitched roof to the convenience store similar to that of the fuel pump island canopy*

Paul Lingerfeldt, representing the applicant, was present. Mr. Wood read the planning report.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve subject to the Site Plan Committee's recommendation. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9. ORDINANCE - FIRST READING (Public Hearing to be held on February 21, 1996)

9.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-2-95, Flamingo Road and Orange Drive)

This item was tabled previously in the meeting.

9.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO BP; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-3-95, Griffin Road and NW 160 Avenue)

This item was tabled previously in the meeting.

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9.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO E; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-5-95, 13000 Orange Drive)

This item was tabled previously in the meeting.

9.4 REPEAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN BY AMENDING SECTIONS 12-21, 12-24(B), 12-32(A), 12-34(N), 12-34(U), 12-34(AA), 12-53 BY AMENDING TABLE 12-53, 12-81 BY AMENDING TABLE 12-81(A), 12-109 BY AMENDING TABLE 12-109, 12-115 BY AMENDING TABLE 12-115(A) AND TABLE 12-115(B), ALL FOR THE PURPOSES OF REPEALING AND ELIMINATING THE ESTATE (E) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance - first reading by title. Mayor Bush advised that a public hearing on item 9.4 would be held on February 21, 1996.

Councilmember Santini made a motion, seconded by Vice-Mayor Venis, to approve item 9.4. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Bush opened the public hearing portion of the meeting.

10.1 ORDINANCE - Second and Final Reading - AN ORDINANCE OF THE TOWN

96-3 OF DAVIE, FLORIDA, AMENDING ORDINANCE 88-70 BY AMENDING CHAPTER 2 ARTICLE VIII, SECTION 2-316, SECTION 2-317, SECTION 2-319, AND SECTION 2-323 OF THE TOWN OF DAVIE'S PURCHASING PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Herb Hyman, Procurement Manager, explained the amendments and indicated that the current process was at least ten years old.

Mayor Bush asked if anyone wished to speak for or against the ordinance.

Al Tyler, 8090 SW 19 Court, stated that he liked competitive bidding and was opposed to the ordinance. Mr. Hyman stated that this ordinance did not remove competitive bidding and explained the formal and informal bid process. Vice-Mayor Venis asked that a report be given in six months if the amendments were approved.

Arthur Joseph, 13700 SW 18 Court, spoke in favor and suggested that the bids be placed on the Internet.

Mayor Bush closed the public hearing.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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10.2 REZONING TABLED TO PLANNING AND ZONING BOARD MEETING OF FEBRUARY 14, 1996

ZB 11-4-95, Craven Thompson and Associates, Inc./Florida Dairy Farmers Association, 4500 Oakes Road (from M-1, Broward County, to M-3, Davie) (tabled from January 17, 1996)

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to table until February 21, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.3 REZONING - ZB 1-1-96, Montalbano/75 & 595 Inc., southeast corner of State Road 84 and SW 130 Avenue (from B-2 to B-3) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Wood read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Pat Montalbano, the petitioner, indicated that the project would be an asset to the area.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.4 VARIANCE - V 10-1-95, Tomecek/Berman, Berman (aka Moss) and Berman (aka Kahn), 5390 SW 58 Avenue (currently A-1; petitioning to rezone to R-2) (to reduce the required lot size from 17,500 square feet to 7,000 square feet; to reduce the required lot frontage from 100 feet to 75 feet; to reduce the required front yard from 30 feet to 25 feet; to reduce the required side yard from 15 feet to 10 feet on the east side; to reduce the required rear yard from 25 feet to 15 feet; to reduce the street side setback from 30 feet to 25 feet) (tabled from December 20, 1995) *Planning and Zoning Division approved; Planning and Zoning Board denied*

Town Clerk Reinfeld swore in the witnesses. Mayor Bush stated that revision shad been made to the plan and suggested that the public hearing only be opened for input on these revisions.

Ron Tomecek, Ms. Mellgren and Wilson Atkinson, explained the revisions.

Councilmember Kiar stated that he had received hundreds of petitions regarding the variance and a telephone call from the petitioner who wanted to explain the changes. Mayor Bush indicated that Council had received the same petitions and he had met with Mr. Tomecek on the changes. Vice-Mayor Venis and Councilmember Santini indicated that they had also met with Mr. Tomecek.

Mr. Webber asked if anyone wished to provide testimony regarding the revisions that had been presented. Town Clerk Reinfeld swore in the witnesses.

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Mr. Atkinson advised that no additional evidence was being provided and he took the formal position that there was no new evidence. He indicated that the same variance request had been submitted, however, the petitioner was prepared to stipulate the safeguards if this was what Council put on the table. He added that he wanted to retain the right to provide a follow-up presentation after the public had spoken.

Mr. Webber indicated that the speakers would be limited to three minutes.

The following individuals spoke in favor/opposition:

Brent Adrian, 5600 SW 48 Street, spoke in opposition.

Ed Elwell, 5455 SW 58 Avenue, spoke in opposition.

David Thompson, 5391 SW 58 Avenue, spoke in opposition.

Al Tyler, 8090 SW 19 Court, spoke in opposition.

Lesley McCall, 5475 SW 58 Avenue, presented a map which Mr. Webber accepted into evidence. She spoke in opposition.

Laura King, 5540 SW 54 Street, questioned if the petitions that she had delivered would be accepted into evidence. Mr. Webber replied that the petitions would be admitted as hearsay. Ms. King spoke in opposition.

Judy Paul, 14421 SW 24 Street, spoke in opposition.

Janice Vlient, 5630 SW 54 Street, spoke in opposition.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

Mr. Atkinson discussed the speaker's comments. He reiterated the expert's testimony from the previous meeting.

After a lengthy discussion, Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 10.4. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

Mayor Bush recessed the meeting at 10:50 p.m. and the meeting reconvened at 10:58 p.m.

10.5 **VARIANCE V 12-1-95, Danielle, 3581 Red Road (RM-5, County)**
(to reduce the front yard from 25 feet to 19.4 feet) (tabled from January 17, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Town Planner, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

The petitioner indicated that he had no additional comments.

Mr. Webber asked if anyone wished to provide testimony in favor of the variance. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in opposition to the variance. The following individuals spoke in opposition:

Bob Halpern, 2690 Key Largo Lane.

Thomas McClellan and distributed pictures which Mr. Webber accepted into evidence.

Michael Casey, 2542 Tortugas Lane.

Audrey Edwards, 2661 Gulfstream Lane.

Mr. Webber stated that the public hearing was concluded and Council could deliberate.

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Mr. Danielle explained the setbacks.

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Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**10.6 RECONSIDERATION TO AMEND A CONDITION OF THE
APPROVED MASTER PLAN - ZB 11-1-95, Sea Ranch-Forest Ridge, Inc.,
west side of the Pine Island Ridge within the Forest Ridge Community (to
amend the PRD Master Plan associated with Ordinance 87-70 and the Forest
Ridge Community) *PLANNING AND ZONING DEPARTMENT - no
recommendation; PLANNING & ZONING BOARD - Denial***

Mr. Webber explained that this issue was not a quasi judicial matter. Ms. Mellgren provided a history of the site and summarized the request. Councilmember Cox explained the items that she and Mr. Collins had negotiated and what she had learned from the residents in Forest Ridge. She summarized that with 120 units, the traffic would travel out the east side; however, with another 110 units, a pedestrian light, a school pod would be provided along with a more viable ecological community, landscaping along Pine Island Road and an opportunity to make a connection for the Trail System. Councilmember Cox stated that the agreement was beneficial to the community.

Mayor Bush asked if anyone wished to speak for or against the amendment. The following people spoke:

Steven Laford, 9195 Southern Orchard Road South, spoke against the amendment.

Marla Emmer, 8952 Southern Orchard Road North, spoke against the amendment.

Al Tyler, 8090 SW 19 Court, spoke against the amendment.

Letti Lopez, 9172 Southern Orchard Road, asked about the number of homes and where the roads would be. Walter Collins, representing the petitioner, explained and indicated that the traffic had been eliminated.

Debbie Apolinario, 2940 SW 148 Avenue, indicated that school portables were also needed for a cafeteria, science, music, etc.

Arthur Joseph, 13700 SW 18 Court, spoke against the amendment.

John Field, 9642 Ridgecrest Court, spoke against the amendment.

Judy Paul, 14421 SW 24 Street, spoke against the amendment.

Ron Paul, 9663 Ridgecrest Court, spoke against the amendment.

Phyllis Kowal, 14491 SW 24 Street, wanted the road closed and fewer units.

Levi England, 9653 Ridgecrest Court, spoke in favor of the road closing but was against the density.

Jay Enten, 4800 Hawkes Bluff Avenue, wanted the Town to have government agencies fight the battle to protect the Ridge, close the road and keep the density down.

Linda Wolonick, 9662 Ridgecrest Court, spoke in favor of the road closing but was against the density.

Mayor Bush closed the public hearing.

Councilmember Santini questioned if the petitioner was still willing to: 1) refund \$130,000 in impact fees to the Town; 2) reduce the face of the plat decreasing the overall development by 500; 3) provide six portables; 4) close the Ridge crossing and 5) landscape the road should the \$130,000 not be rebated. Mr. Collins replied affirmatively.

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Councilmember Cox summarized the intentions of the petitioner: 1) increase the number of units by 110 on the west side of the Ridge; 2) reduce the entire number of residential units in the entire development by 500; 3) close the road at the north end of the hollow permanently over the east/west portion of the Ridge; 4) use the road as a temporary access for construction purposes; 5) entrance from Nob Hill Road through the center pod; 6) work in obtaining a pedestrian light on Nob Hill Road; 6) build six modular classrooms at Silver Ridge Elementary School which did not exclude the petitioner from any other impact fees; 7) landscape the median strip between Nova Drive and 36th; 8) build a lake in the center pod as shown on the site plan; 8) create a wading bird area on the east side of the lake; 9) relocate the construction trailer in Chapel Hill Two to the western side of property during the first half of 1997; 10) landscape the west side of Forest Ridge that fronted Nob Hill Road; 11) transfer the tract adjoining the liftstation in Single Family V to either the Town or Broward County; 12) build another swimming pool on the west side of the Ridge; 13) build three more tennis courts on the east side of the Ridge; and 14) construct bike paths along the northern side of where the road was currently proposed and the southern side along the temporary construction access.

Mr. Collins advised that only supervisory personnel would utilize the temporary access and delivery trucks and heavy equipment would be excluded from the Ridge. He added that a gate could be provided and supervisors would be given keys. Councilmember Santini asked if the agreement could include that the road would be permanently closed if the gates were not locked. Mr. Webber advised that the agreement could be "tightened up" and added that all the details would be reduced to an ordinance.

After some discussion, Councilmember Cox made a motion, seconded by Councilmember Santini, to approve with staff returning with an ordinance that would contain all the conditions that were discussed. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

**10.7 FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE,
FLORIDA,**

**R-96-45 SETTING A FEE SCHEDULE FOR THE ROBBINS PICNIC SHELTER.
(\$40/day shelter rental fee; \$25/security and clean up deposit)**

Town Clerk Reinfeld read the resolution by title. Ms. Pierce-Kent explained the fee schedule.

Mayor Bush asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Bush closed the public hearing portion of the meeting.

11. APPOINTMENT

11.1 Fire Pension Board (affirm John Earle as elected by the Fire Pension Board)

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to affirm the Pension Board's selection. In voice vote, all voted in favor.

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12. TOWN ADMINISTRATOR'S REPORT

RESOLUTION. Mr. Flatley read the title of a resolution that needed to be added to the agenda.

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to add the resolution to the agenda (item 12.1). In voice vote, all voted in favor.

12.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
WAIVING THE FEE
R-96-46 FOR USE OF THE OAK ROOM, AT THE PINE ISLAND COMMUNITY
CENTER, FOR THE HAWKES BLUFF ELEMENTARY SCHOOL ON,
FEBRUARY 21, AND FEBRUARY 22, 1996. (February 21 - 22, 1996)

Councilmember Kiar made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

LEGISLATIVE SESSION. Councilmember Santini stated that Council had received a letter from Representative Ann Mackenzie requesting the Town's priorities for the Legislative Session. She indicated that she would like to include juvenile crime, schools, concurrency, and Davie School and asked that a list be provided to all the Town's Senators and Representatives.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 1:10 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk